

MHAU010074252022



Received on : 06.10.2022
Registered on : 19.10.2022
Decided on : 06.04.2024
Duration : 01 06 00
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IN THE COURT OF DISTRICT JUDGE-6, AURANGABAD
(Before Smt. S.J. Ramgadiya)

Civil M.A.No. 350/2022

1. Smt. Shobha Mahendra Tayde
Age : 44 years, Occp. : Household,
2. Shruti d/o Mahendra Tayde,
Age : 12 years,
U/G. Of the applicant No.1 being real mother
3. Tanvi d/o Mahendra Tayde,
Age : 12 years,
U/G. Of the applicant No.1 being real mother
4. Trupti d/o Mahendra Tayde,
Age : 16 years,
U/G. Of the applicant No.1 being real mother
All R/o. Bhimnagar, Bhavsingpura,
Aurangabad.

Applicants.

Versus

The State of Maharashtra,
Through District Collector,
Aurangabad.

Respondent.

**CLAIM :- Application for permission to sell the share of minor's
in the property.**

Advocate for the applicants : Adv. A.V. Sable

ORDER BELOW EXHIBIT - 1

1. This application has been filed under Section 8 of the Guardian and Wards Act, 1890 for grant of permission to sell the share of the minors in the property.

2. The applicants came with the case that the applicant No.1 is the real mother of the minor applicant Nos.2 to 4. It is the case of the applicants that the husband of the applicant No.1 and father of the minor applicant Nos.2 to 4 Mahendra Mohan Tayde died on 09.05.2017 and the property standing in the name of Mahendra Mohan Tayde mutated in the name of the applicant Nos.1 to 4, i.e. land Gat No.201 to the extent of 20 R. It is the case of the applicants that after the death of Mahendra Mohan Tayde, the applicants have no source of income. The applicant No.1 required to spend money for the education of the minors and other family affairs. The applicants now are residing at Aurangabad and the said property is located at distant place, i.e. village Gadhe Jalgaon. Hence, the applicants prayed for sale and the applicant also relied on the agreement for sale in favour of Mirza Rauf Baig.

3. After filing this application, a notice was published in the daily circulating newspaper in the area where the other relatives or friends of the deceased are expected to reside for calling their

objections, if any. However, after sufficient period, none appeared to oppose this application for permission to sell the above immovable property.

4. The applicant has filed her evidence affidavit at Exhibit-7, wherein she reiterated the contentions made in the application. Further, I have gone through the documentary evidence. The copy of 7/12 extract (Exhibit-11), mutation entry (Exhibit-12 and 13), sale deed (Exhibit-14) show the names of the applicants are recorded in place of the deceased Mahendra Mohan Tayde in the revenue record. The Death Certificate (Exhibit-15) shows that the deceased Mahendra Mohan Tayde died on 09.05.2017.

5. Considering these documents and the contentions made in the application, I am of the opinion that necessary permission is required to be granted which is for the benefit and betterment of the minors. So far as the interest of the minor is concern, directions can be given to the applicant for depositing money in the name of the minors applicant Nos.1 to 3 in any nationalized bank. Therefore, I pass the following order.

ORDER

1. The applicant Shobha Mahendra Tayde is permitted to sell share of minor applicants Shruti d/o Mahendra Tayde, Tanvi d/o Mahendra Tayde and Trupti Mahendra Tayde in the property to the extent of 20 R land out of 40 R land, bearing Gat No. 301, situated at Gadhe Jalgaon Tq. Dist. Aurangabad.

2. After receiving the sale consideration, within six months, the applicant Shobha Mahendra Tayde shall deposit 15 % each in Fixed Deposit Scheme in the name of minor applicants Shruti d/o Mahendra Tayde, Tanvi d/o Mahendra Tayde and Trupti Mahendra Tayde, till they attains their age of majority and report the compliance.

Date :- 06.04.2024

(Smt. S.J. Ramgadiya)
District Judge-6, Aurangabad

CERTIFICATE

I affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of the Stenographer	: S.V. Kondekar, Stenographer (Grade-I)
Court	: Smt. S.J. Ramgadiya, Dist.Judge -06 and Additional Sessions Judge, Aurangabad.
Date of Order	: 06.04.2024
Order signed by the Presiding officer	: 18.04.2024
Order uploaded on	: 18.04.2024